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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 JAMES KARIM MUHAMMAD,
12 Plaintiff,

No. C 12-02407 CRB

13 v.
14 KEVIN J. BERRETH,
15 Defendant.

16 _____/

17 Defendants Terese McNamee, Kevin J. Berreth, and R. Mac Prout filed two motions to
18 dismiss Plaintiff's First Amended Complaint. See Mots. (dkts. 52, 53). Plaintiff failed to timely file
19 an opposition brief to either motion, and so the Court ordered him to show cause why his case
20 should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b).
21 See OSC (dkt. 63). Plaintiff timely responded to the OSC, see Response (dkt. 68), and so the Court
22 will not dismiss his case for failure to prosecute. However, the Court will allow McNamee, Berreth,
23 and Prout to file a Reply brief, by 5:00 p.m. on January 14, 2013, if they wish to do so. The hearing
24 on those motions is hereby RE-SET for February 15, 2013 – the same date as the motion to dismiss
25 filed by defendant Superior Court of the State of California (dkt. 62).

26 **IT IS SO ORDERED.**

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28 Dated: January 8, 2013


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE